

REMARKS

This submission is in response to the Official Action dated August 11, 2003. Claims 1, 5 and 6 have been amended. Specifically, claims 1, 5 and 6 have been amended to correct for proper antecedent basis for the following terms: "the liquid distribution zone", "upper fibrous layer", and "storage layer". Claim 1 has been further amended to include "the acquisition zone comprising fibers and a binder resin" which is supported in the specification at page 5, lines 31-35. No new matter is added by the amendments. Therefore, claims 1-3 and 5-9 are pending. Reconsideration of the above identified application, in view of the above amendments and the following remarks, is respectfully requested.

The Examiner has objected to the drawings for failure to mention reference numeral 16 in the specification. Applicants respectfully direct the Examiner's attention to the Amendment filed August 28, 2002 in response to the Office Action dated March 28, 2002. In the August 28, 2002 response, applicants amended the specification on page 5, lines 18-20 to include reference to numeral 16 on Figures 1 and 2. The amended language was presented to read as follows: "The seal 16 is provided at such locations which will form the lateral edges of the absorbent core during converting." In view of this prior amendment, applicants submit that the drawings comply with the requirements of 37 CFR 1.84(p)(5) and that the objection on this ground should be withdrawn.

Serial No. 09/719,338
Pending Claims

Docket No. 1313/1E290-US2
Page 4

W:\01313\100E290-000\00077128.WPD [*01313100E290-000*] /font=10

Claims 1-9 have been rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Specifically, the Examiner has stated that the following terms lack antecedent basis: "the distribution zone surface" in claim 1; "said upper layer" in claims 1 and 5; and "the lower storage layer" in claim 6. In response, claims 1, 5 and 6 have been amended for proper antecedent basis of the terms. No new matter has been added by these amendments. In view of the foregoing amendments, the claims now comply with the requirements of § 112, and applicants submit that the rejection on this ground should be withdrawn.

Claims 1, 2, 5, and 6 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,879,344 to Koczab. The Examiner asserts that Koczab discloses a unitary absorbent structure comprising an upper fibrous layer having a liquid acquisition zone and a liquid distribution zone. The Examiner states that Koczab also discloses a storage layer with superabsorbent polymer particles with a containment layer surrounding the storage layer which is sealed to at least one edge of the upper fibrous layer.

The rejection is respectfully traversed, and reconsideration is respectfully requested.

Applicants submit that Koczab relates to a composite nonwoven material comprising a layer of nonwoven material and a sheet of carded synthetic fibers, wherein the sheet of carded synthetic fibers is bonded to the nonwoven layer solely

Serial No. 09/719,338
Pending Claims

Docket No. 1313/1E290-US2
Page 5

W:\01313\100E290-000\00077128.WPD [*01313100E290-000*] /font=10

by needling. No other binding material is disclosed. Claim 1, as amended, requires that the acquisition zone comprises fibers and a binder resin. Nowhere is Koczab is a binder resin taught in the acquisition layer. Therefore, amended claim 1, and dependent claims 2, 5, and 6, are not anticipated by Koczab.

Claims 3 and 9 stand rejected as unpatentable under 35 U.S.C. § 103(a) over Koczab in view of U.S. Patent No. H1657 (to Hammons et al.). The Examiner states that Koczab discloses all aspects of the claimed invention except the composition of the storage layer. The Examiner asserts that Hammons et al. provides the necessary teaching of the storage layer. Claims 7 and 8 also stand rejected as unpatentable under 35 U.S.C. § 103(a) over Koczab. The Examiner states that while Koczab discloses all aspects of the invention, except for the composition of the containment layer, it was well known in the art to construct the noted containment layer indicated in claims 7 and 8.

The rejections are respectfully traversed, and reconsideration is respectfully requested.

As presented above, applicants submit that Koczab does not have the same structure as the presently claimed invention in amended claim 1, and thus claims 3, 7, 8, and 9 are patentable for the same reasons set forth above. Adding a storage layer according to the construction of Hammons would not have made the invention obvious. Furthermore, the addition of a containment layer to the invention

Serial No. 09/719,338
Pending Claims

Docket No. 1313/1E290-US2
Page 6

W:\01313\100E290-000\00077128.WPD [*01313100E290-000*] /font=10

of Koczab would also not make the present invention obvious. Therefore, applicants respectfully request that the rejections be withdrawn.

Therefore, in view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

Sandra Lee

Sandra S. Lee
Reg. No. 51,932
Attorney for Applicants

DARBY & DARBY, P.C.
Post Office Box 5257
New York, NY 10150-5257
Phone (212) 527-7700

RECEIVED
CENTRAL FAX CENTER
OCT 27 2003

OFFICIAL

Serial No. 09/719,338
Pending Claims

Docket No. 1313/1E290-US2
Page 7

W:\01313\100E290-000\00077128.WPD [*01313100E290-000*] /font = 10